



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.

3 Regency Drive, Suite 204, Bloomfield, CT 06002
Tel: 860-216-5858 Fax: 860-206-8954 Web: www.hbact.org

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Is Our
Business*

March 7, 2011

To: Senator Ed Meyer and Representative Richard Roy, Co-Chairs, and
members of the Environment Committee

From: Bill Ethier, Chief Executive Officer

Re: HB 6507, AAC Water Quality Certification Applications

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

We strongly support HB 6507 to provide water quality certification applicants a right to a hearing when necessary and a right to appeal adverse decisions made by DEP.

Water quality certifications (WQC) are an important part of the overall federal state dynamic controlling pollution in our nation's waters. As you know, the federal government has delegated to CT the authority to issue section 401 WQC, which are a necessary prerequisite to a number of other permitting programs, such as an Army Corps's section 404 permit to discharge dredge or fill material into waters of the United States. The DEP makes these sec. 401 WQC decisions, but there is currently no viable process to either obtain a hearing prior to the decision or to challenge an adverse WQC decision. This is simply un-American.

WQC applicants should be afforded the right to request a hearing on its WQC application and to appeal a final decision to court. The denial of a WQC can have serious, adverse consequences to a landowner or to economic development efforts. Such decisions may be made in error, without considering factors that should have been considered, or be contrary to federal or state law, or both. Applicants need a hearing mechanism to air these issues out for the commissioner when necessary, and an ability to appeal to court as the judicial branch is and should be the last arbiter of an applicant's rights versus government's authority.

Therefore, please support HB 6507 as a necessary fix to DEP's WQC authority.
Thank you for the opportunity to comment